

Notice of Allowability

Application No.

10/687,255

Examiner

La Juania N. Mouzon

Applicant(s)

CARUSI ET AL.

Art Unit

2153

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/19/2008.
2. ☒ The allowed claim(s) is/are 1,2 and 5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 12/19/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Glenton Burgess/

EXAMINER'S AMENDMENT

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12/19/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Atty. Gerald Glanzman Reg. No. 25,035, on 3/11/2008.

Please amend the claims as follows:

Claims 1, 2, and 5 have been amended as shown below.

Claims 3, 4, and 6-15 have been canceled.

1. (Currently amended) A method of monitoring performance of distributed applications including the steps of:
 - a. a client computer originating a request of service for a server computer,
 - b. responsive to the request of service meeting at least one predefined condition[[,] and
 - c. verifying whether an address of the server computer matches a predetermined pattern stored on the client computer,
 - d. enabling measuring on the client computer of at least one performance parameter for a transaction corresponding to the request of service,
 - i. associating a correlation identifier with the at least one performance parameter measured on the client computer, and inserting the correlation identifier in the request of service,
 - e. transmitting the request of service to the server computer,

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- f. responsive to the request of service transmitted to the server computer including the the ~~[[an]]~~ inserted correlation identifier, enabling measuring on the server computer of the at least one performance parameter for a sub-transaction originating from the request of service,
- g. executing the sub-transaction,
 - i. ~~associating the correlation identifier with the at least one performance parameter measured on the server computer, and associating the correlation identifier with the at least one performance parameter measured on the client computer, and wherein the step of enabling measuring on the client computer of the at least one performance parameter for the transaction corresponding to the request of service and inserting the correlation identifier in the request of service includes verifying whether an address of the server computer matches a predetermined pattern stored on the client computer.~~
- h. further including at least one recursive execution of the steps of:
 - i. the server computer originating at least one further request of service for at least one further server computer,
 - ii. responsive to the request of service including the correlation identifier, inserting a further correlation identifier in the at least one further request of service,
 - iii. transmitting each further request of service to a corresponding further server computer,
 - iv. responsive to the further request of service including the further correlation identifier, enabling measuring on the corresponding further server computer of the at least one performance parameter for a further sub-transaction originating from the further request of service,
 - v. executing the further sub-transaction, and
 - 1. associating the further correlation identifier with the at least one performance parameter measured on the corresponding further server computer
 - vi. wherein upon completion of the executing of the further sub-transaction:
 - 1. disable measuring on the further server computer;
 - 2. log the measured performance parameter on the further server computer and its associated correlation identifier, and
 - 3. return the results of the request of service to the server computer.
 - vii. the server computer generating results for the client computer,
 - viii. the server computer sending the results to the client computer.

2. (Currently amended) The method according to claim 1, wherein the step of originating

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the request of service is performed under the control of a first module running on the client computer, the method further including the step of intercepting the request of service by a second module running on the client computer, the step of enabling the measuring on the client computer of the at least one performance parameter for the transaction corresponding to the request of service and ~~updating the request by~~ inserting the correlation identifier ~~[[if]] responsive to the request of service [[meets]]~~ meeting the at least one predefined condition being performed under the control of the second module.

3. (Canceled)

4. (Canceled)

5. (Currently amended) A method of monitoring performance of distributed applications including the steps of:

- a. a client computer originating a request of service for a server computer,
- b. responsive to the request of service meeting at least one predefined condition~~[[,]]~~ and
- c. verifying whether an address of the server computer matches a predetermined pattern stored on the client computer,
- d. enabling measuring on the client computer of at least one performance parameter for a transaction corresponding to the request of service and inserting a correlation identifier in the request of service,
- e. transmitting the request of service to the server computer,
- f. responsive to the request of service transmitted to the server computer including ~~[[an]]~~ the inserted correlation identifier, enabling measuring on the server computer of the at least one performance parameter for a sub-transaction originating from the request of service,
- g. executing the sub-transaction,
 - i. associating the correlation identifier with the at least one performance parameter measured on the server computer, and
 - ii. associating the correlation identifier with the at least one performance parameter measured on the client computer, wherein the step of originating the request of service includes:
 - i. downloading a document from the server computer,
 - ii. displaying the document, and
 - iii. selecting a link in the document,

and wherein the step of enabling measuring of the at least one performance parameter for the transaction and updating inserting the correlation identifier in the request of service responsive to the request the at least one predefined condition includes:

- i. verifying whether a definition of the document includes at least one enabling identifier, wherein the step of verifying whether the definition of

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the document includes the at least one enabling identifier includes one of verifying whether the definition of the document includes a global enabling identifier for all transactions originating from the document, and verifying whether a definition of the selected link includes a local enabling identifier for transactions originating from the selected link,

- h. further including at least one recursive execution of the steps of:
- i. the server computer originating at least one further request of service for at least one further server computer,
 - ii. responsive to the request of service including the correlation identifier, inserting a further correlation identifier in the at least one further request of service,
 - iii. transmitting each further request of service to a corresponding further server computer,
 - iv. responsive to the further request of service including the further correlation identifier, enabling measuring on the corresponding further server computer of the at least one performance parameter for a further sub-transaction originating from the further request of service,
 - v. executing the further sub-transaction, and
 1. associating the further correlation identifier with the at least one performance parameter measured on the corresponding further server computer
 - vi. wherein upon completion of the executing of the further sub-transaction:
 1. disable measuring on the further server computer;
 2. log the measured performance parameter on the further server computer and its associated correlation identifier, and
 3. return the results of the request of service to the server computer.
 - vii. the server computer generating results for the client computer,
 - viii. the server computer sending the results to the client computer.

6-15. (Canceled)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNM

/Glenton Burgess/

Supervisory Patent Examiner, Art Unit 2153

